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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------|------------------|
| 10/089,400 | 08/12/2002 | Kunio Kawaguchi | 450101-03365 | 4955 |
| 20999 | 7590 | 05/09/2006 | | |
| FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151 | | | EXAMINER MARTIN, CIARA A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2157 | |

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/089,400 | KAWAGUCHI ET AL. | |
| | Examiner | Art Unit | |
| | Ciara Martin | 2157 | |

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/29/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the application filed on August 12, 2002. Claims 1-19 are pending. Claims 1-19 represent an information usage system using information image.

Information Disclosure Statement

2. The information disclosure statement filed 3/29/02 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because translation into English for cited non-patent literature was not provided. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Drawings

3. The drawings are objected to because item 1236 in Figure 12 should recites "it dose not". Appropriate correction is required.

Specification

4. A substitute specification, including the abstract, in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Adler at al. U.S. Patent No. 6,009,409.

As per claim 1, Adler teaches in an information picture utilization system comprising

a client and a server wherein when information picture is recorded into said client (see c. 3, ll. 33-61, c. 4, ll. 39-50, Fig. 1, and Fig. 5; Adler discloses delivery of advertising to an advertising region on a remote computer through a communications network from Internet Service Provider computers);

notification for such recording from the client to the server along with information for specifying the information picture by utilizing picture information and related information serving as basis for causing a predetermined operation are caused to be handed as a single unit when operation command is given (see c. 6, ll. 51-62; Adler discloses the remote computer interacts with the communications network where the ISP computers reside when advertising is received at an advertising region);

in which said information picture utilization system is characterized in that said notification for that recording is not carried out after a predetermined time period passes

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(see c. 4, ll. 39-56 and c. 6, ll. 51-62; Adler discloses allocating time for advertisements sent to a remote computer interacting with the communications network where the ISP computers reside).

As per claim 2, Adler teaches the information picture utilization system as set forth in claim 1, wherein said information picture utilization system is characterized by:

said information picture used in the information picture utilization system includes time limit information in said related information and said client inhibits execution of the notification to the server by interpreting said time limit information (see c. 4, ll. 39-56 and c. 6, ll. 51-62).

As per claim 3, Adler teaches the information picture utilization system as set forth in claim 1, wherein said information picture utilization system is characterized by: said information picture used in the information picture utilization system includes time limit information in said related information; and said client inhibits execution of a predetermined operation by interpreting said time limit information (see c. 4, ll. 39-56 and c. 6, ll. 51-62).

As per claim 4, Adler teaches the information picture utilization system as set forth in claim 1, wherein said information picture utilization system is characterized by: said client inhibits execution of the notification to the server on the basis of operation history based on the information picture (see c. 4, ll. 39-56 and c. 6, ll. 51-62).

As per claim 5, Adler teaches in an information picture utilization system comprising

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a client and a server, wherein information picture is being sent out and said information picture is recorded into said server by utilizing picture information and related information serving as basis for causing a predetermined operation are caused to be handed as a single unit when operation command is given (see c. 3, ll. 33-61, c. 4, ll. 39-50, Fig. 1, and Fig. 5; Adler discloses delivery of advertising to an advertising region on a remote computer through a communications network from Internet Service Provider computers),

in which said information picture utilization system is characterized in that said notification for that recording is not carried out after a predetermined time period passes (see c. 4, ll. 39-56 and c. 6, ll. 51-62; Adler discloses allocating time for advertisements sent to a remote computer interacting with the communications network where the ISP computers reside).

As per claim 6, Adler teaches in an information picture utilization apparatus adapted to record information picture in which picture information and related information for prescribing at least proper processing are caused to be one handling unit to display the picture information, and to carry out a predetermined operation based on related information corresponding to information picture designated by designating means, wherein said information picture utilization apparatus is characterized by comprising:

a history recording section for recording history of recording of the information picture (see c. 4, l. 57 to c. 5, l. 4; Adler discloses scheduling and controlling the distribution and delivery of advertising content); and

an operation permission/negation section for carrying out permission/negation of the predetermined operation based on the related information on the basis of history recorded in the history recording section (see c. 4, l. 57 to c. 5, l. 4; Adler discloses scheduling and controlling the distribution and delivery of advertising content).

As per claim 7, Adler teaches the information picture utilization apparatus as set forth in claim 6, wherein said information picture utilization apparatus is characterized by: said operation permission/negation section determines permission of operation with respect to information pictures within a predetermined number of information pictures closely recorded of information pictures included in history that the history recording section records to execute this operation and determines negation of operation with respect to other information pictures to inhibit execution of this operation (see c. 4, l. 57 to c. 5, l. 4).

As per claim 8, Adler teaches in an information picture utilization apparatus adapted to record information picture in which picture information and related information for prescribing at least proper processing are caused to be one handling unit to display the picture information to carry out a predetermined operation based on related information corresponding to information picture designated by designating means, and to update the information picture by making reference to an information picture management server, wherein said information picture utilization apparatus is characterized by further comprising:

a history recording section for recording history of recording of the information picture (see c. 4, l. 57 to c. 5, l. 4; Adler discloses scheduling and controlling the distribution and delivery of advertising content); and

an operation permission/negation section for carrying out permission/negation of the updating operation on the basis of the history recorded in the history recording section (see c. 4, l. 57 to c. 5, l. 4; Adler discloses scheduling and controlling the distribution and delivery of advertising content).

As per claim 9, Adler teaches in the information picture utilization apparatus as set forth in claim 8, wherein said information picture utilization apparatus is characterized by: said operation permission/negation section determines permission of operation with respect to information pictures within a predetermined number of information pictures closely recorded of information pictures included in history that the history recording section records to execute this operation and determines negation of operation with respect to other information pictures to inhibit execution of this operation (see c. 4, l. 57 to c. 5, l. 4).

As per claim 10, Adler teaches an information recording medium wherein a program for allowing computer to function as said information picture utilization apparatus as set forth in claim 6 is recorded (see c. 4, ll. 4-14, 25-38 and Figs. 1 and 2).

As per claim 11, Adler teaches an information recording medium wherein a program for allowing computer to function as said information picture utilization apparatus as set forth in claim 7 is recorded (see c. 4, ll. 4-14, 25-38 and Figs. 1 and 2).

As per claim 12, Adler teaches an information recording medium wherein a program for allowing computer to function as said information picture utilization apparatus as set forth in claim 8 is recorded (see c. 4, ll. 4-14, 25-38 and Figs. 1 and 2).

As per claim 13, Adler teaches an information recording medium wherein a program for allowing computer to function as said information picture utilization apparatus as set forth in claim 9 is recorded (see c. 4, ll. 4-14, 25-38 and Figs. 1 and 2).

As per claim 14, Adler teaches in an information picture management apparatus for carrying out management of information picture in which picture information and related information for prescribing at least peculiar processing are caused to be one handling unit, which is delivered to an information terminal connected through network, wherein said information picture management apparatus is characterized by further comprising:

a registration information recording section for recording registration information relating to information picture delivered to the information terminal and registered (see c. 6, ll. 51-62; Adler discloses an advertising region stored in memory in the remote computer where the advertisement is received);

an updating permission/negation section for determining permission/negation of updating with respect to information picture caused to undergo management by the registration information in accordance with updating condition set in advance (see c. 4, l. 57 to c. 5, l. 4; Adler discloses scheduling and controlling the distribution and delivery of advertising content); and

an information picture updating section for carrying out updating processing with respect to information picture determined to be permitted by the updating permission/negation section (see c. 4, l. 57 to c. 5, l. 4; Adler discloses scheduling and controlling the distribution and delivery of advertising content).

As per claim 15, Adler teaches in the information picture management apparatus as set forth in claim 14, wherein said information picture management apparatus is characterized by: employing the condition where information pictures within the range from the number where at least one of registration and updating of the information picture is near in point of time up to a predetermined number should be updated as the updating condition (see c. 4, ll. 39-56 and c. 4, l. 57 to c. 5, l. 4).

As per claim 16, Adler teaches in the information picture management apparatus as set forth in claim 15, wherein said information picture management apparatus is characterized by: said predetermined numbers are set with respect to respective ones of plural information terminals, and are changed in accordance with change instructions from the information terminals (see c. 3, ll. 32-40 and c. 4, l. 57 to c. 5, l. 4).

As per claim 17, Adler teaches an information recording medium, wherein a program for allowing computer to function as said information picture management apparatus as set forth in claim 14 is recorded (see c. 4, ll. 4-14, 25-38 and Figs. 1 and 2).

As per claim 18, Adler teaches an information recording medium, wherein a program for allowing computer to function as said information picture management

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apparatus as set forth in claim 15 is recorded (see c. 4, ll. 4-14, 25-38 and Figs. 1 and 2).

As per claim 19, Adler teaches an information recording medium wherein program for allowing computer to function as the information picture management apparatus as set forth in claim 16 is recorded (see c. 4, ll. 4-14, 25-38 and Figs. 1 and 2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ciara Martin whose telephone number is 571-272-7507. The examiner can normally be reached on M-F 6:30- 4:00 with second Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

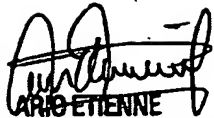
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ARNO ETIENNE
SUPERVISORY PATENT EXAMINER
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